

An Important Victory For Civil Liberties

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Corliss Lamont wins financial damages from Central Intelligence Agency for its unconstitutional opening and copying of 155 letters to and from him in suit sponsored by National Emergency Civil Liberties Committee.

In a decision handed down February 17, Federal Court Judge Jack B. Weinstein of the Eastern District of New York awarded \$2,000 to Corliss Lamont for the C.I.A.'s gross violation of his privacy, and directed the United States Government to send him "a suitable letter of regret" for the C.I.A.'s illegal actions.

N.E.C.L.C. attorneys Leonard B. Boudin and Michael Krinsky represented Dr. Lamont.

Two other plaintiffs whose mail had been opened by the C.I.A. were bracketed with Dr. Lamont in the judge's decision and received \$1,000 damages apiece. Following are the portions of Judge Weinstein's opinion that pertain to Dr. Lamont:

CORLISS LAMONT,

Plaintiff

—against—

UNITED STATES,

Defendant.

Corliss Lamont had over 100 pieces of correspondence to and from various people in Russia opened by the C.I.A. The letters were copied. The F.B.I. was furnished with the copies to add to the extensive files it was in the process of accumulating in the course of its own work.

Mr. Lamont has written and lectured extensively on a variety of subjects, including philosophy and civil liberties. Eighty-eight letters dealt primarily with aspects of humanism and were directed to Vladimir Kazakevich, a friend the plaintiff had met while both were lecturing at Columbia University; these letters included various pamphlets and articles published by Mr. Lamont which, because they were attached to the letters, were duly copied and filed in the archives of the F.B.I. and the C.I.A. In addition, a series of letters to plaintiff's counsel, Leonard Boudin dealt with various aspects of civil liberties, some apparently arising from Mr. Lamont's position as a leader in the American civil liberties movement and related activities. Still other letters were directed to friends and members of the Lamont family.

Mr. Lamont's reaction to his discovery of these illegal mail openings was one of "surprise," "indignation," "depression," and a "sense of failure" upon realizing that his lifelong work on behalf of civil liberties had not prevented this major breach of his own rights is understandable. It is apparent, however, that this doughty and sophisticated fighter for civil liberties quickly recovered from his depression. It is unlikely that he, or any other sensible person actively engaged in the everlasting struggle for freedom in our beloved country or elsewhere expects perfection in his lifetime. The damages were similar to those suffered by plaintiff Wilson.

There are, however, two Lamont letters which require separate consideration. They were characterized by plaintiff as "love let-

ters" to his wife. In describing the opening of these letters on the witness stand Mr. Lamont was obviously deeply upset. While he was some 70 years old when he wrote them and his years have now exceeded the biblical span, his emotional reaction is understandable. It should have been foreseen by the C.I.A. Illegal governmental prying into the shared intimacies of husband and wife is despicable. (The court has not read the letters—it had more than enough of the demeaning process of reading other men's letters to their loved ones as a young naval officer assigned from time-to-time to censorship duties on his ship.) The letters of plaintiff to his wife will be sealed by the Clerk of the Court.

Plaintiff Lamont is awarded \$2,000.00 provided the government furnishes a suitable letter of regret. Twenty-five percent shall be paid as a legal fee.

The sums being awarded are in large measure symbolic. They probably substantially underestimate the deep sense of personal affront and the psychic loss suffered by a distinguished man of the world writing to friends, associates and his wife. Certainly the wound to his sense of freedom and pride in our Constitution is enormous.

Were there fewer possible plaintiffs, the court might have considered larger symbolic awards for those plaintiffs who had a number of letters opened over a span of time. Plaintiffs have made a powerful argument that repeated intrusions warrant more compensation, if only as an indication that the courts are sensitive to both the quantity and the quality of a constitutional violation. But the court must be practical; the number of possible plaintiffs runs into the thousands and the possible damages, even at the modest level fixed by the court, into the millions. These damages will not be paid by the bunglers responsible for the wrongs, but by the taxpayers, who were unaware of the program.

Jack B. Weinstein
United States District Judge

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